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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LUZ M. VEGA, an Infant by Her Parent And  
Natural Guardian, MANUELA VALENTIN,

Plaintiffs,

**ECF CASE**

07 Civ. 2940 (GEL)

-against-

THE BRONX-LEBANON HOSPITAL CENTER,  
ILIANA ROBINSON,

Defendants.

-----X  
THE BRONX-LEBANON HOSPITAL CENTER,

Third-Party Plaintiff,

-against-

MORRIS HEIGHTS MEDICAL CENTER,

Third-Party Defendant.

-----X

**PLAINTIFF'S FRCP RULE 26(a) (2)  
DISCLOSURE OF EXPERT TESTIMONY**

Plaintiff Luz. M. Vega, an Infant, by her Parent and Natural Guardian, Manuela Valentin,  
by and through her attorneys, Fitzgerald & Fitzgerald, P.C., 538 Riverdale Avenue, Yonkers,  
New York 10705, hereby provides its disclosure of expert testimony Rule 26(a) (2) of the  
Federal Rules of Civil Procedure ("Fed. R. Civ. P."), as follows:

1. Plaintiff expects to call Joseph Carfi, M.D., as an expert witness in the field of  
physical medicine and rehabilitation medicine at the trial of this matter.
2. The qualifications of Dr. Carfi are set forth in his curriculum vitae, a copy of which  
is annexed hereto as **Exhibit "A"**.
3. It is expected that Dr. Carfi will testify consistently with the information contained

in the Life Care Plan he has prepared for the infant plaintiff Luz Vega a copy of which is attached hereto and made a part hereof as **Exhibit B**.

4. It is expected that Dr. Carfi will testify as to his expert as to the effect the plaintiff's injuries will have on her life, including her needs and services and the effect on her employability and as is more fully set forth in the life care plan that is attached hereto as Exhibit B.

5. The grounds for Dr. Carfi's testimony will be his review of all relevant medical records, including the labor and delivery, newborn, subsequent treatment records, reports of examinations, school and therapy records together with the pleadings, deposition transcripts, his knowledge, training, expertise, education and experience in the field of rehabilitative medicine as well as any further testimony or evidence developed during discovery or at trial.

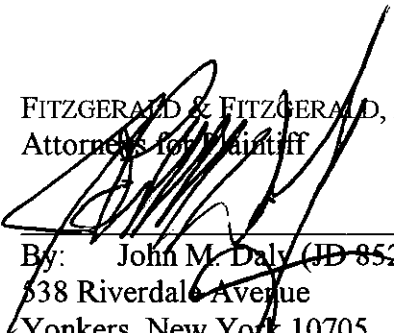
6. Annexed hereto as part of **Exhibit "A"** is a list of cases in which Dr. Carfi has testified as an expert at trial or by deposition within the past four years.

7. Dr Carfi's testimony fee is \$8,000.00 for a full day's appearance in court. His fee for the medical record review and report is \$390.00 per hour. Dr. Carfi's hourly rate is \$500.00 for deposition preparation and testimony. The cost of preparing the life care plan is \$2,650.00.

8. Plaintiff reserves the right to supplement this response if and when additional information becomes known.

Dated: Yonkers, New York  
May 30, 2008

FITZGERALD & FITZGERALD, P.C.  
Attorneys for Plaintiff



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**EXHIBIT A**

**CURRICULUM VITAE**

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**JOSEPH CARFI, M.D.**

**2001 MARCUS AVE., SUITE N-219  
LAKE SUCCESS, NY 11042**

**PHONE (516) 327-8810 \* FAX (516) 358-9802**

**EDUCATIONAL BACKGROUND**

1970 - 1971	Carnegie-Melon University
1971 - 1974	State University of New York at Albany B.S. Biology, Cum Laude
1975 - 1977	Rensselaer Polytechnic Institute M.S. Chemistry
1977 - 1981	Mount Sinai School of Medicine M.D.

**HOSPITAL TRAINING**

1981 - 1984	New York University Medical Center Rusk Institute of Rehabilitation Medicine Residency Program
10/01/83 - 12/31/83	Bellevue Hospital Chief Resident
01/01/84 - 06/30/84	Rusk Institute Chief Resident

**HOSPITAL AND ACADEMIC APPOINTMENTS**

09/93 - 03/01	Clinical Assistant Sound Shore Medical Center New Rochelle, New York
09/93 - 03/01	Assistant Attending St. John's Riverside Hospital Yonkers, New York

JOSEPH CARFI, M.D.

HOSPITAL AND ACADEMIC APPOINTMENTS (CON=T)

11/92 - 09/98	Assistant Attending United Presbyterian Nursing Home Syosset, New York
08/90 - Present	Private Practice Physical Medicine, Rehabilitation and Electrodiagnosis
08/90 - 07/92	Medical Director New Medico Associates of Nassau
01/91, - Present	Clinical Assistant Winthrop University Hospital Mineola, New York
07/90 - Present	Assistant Attending Mount Sinai Hospital New York, New York
07/90 - Present	Assistant Clinical Professor of Rehabilitation Medicine Department of Rehabilitation Medicine Mount Sinai School of Medicine New York, New York
1986 - 07/90	Assistant Professor of Rehabilitation Medicine Department of Rehabilitation Medicine Mount Sinai School of Medicine New York, New York
1987 - 07/90	Associate Clinical Director Department of Rehabilitation Medicine Mount Sinai Hospital New York, New York

JOSEPH CARFI, M.D.

## **SPECIALTY BOARDS**

1982	Diplomate, National Board of Medical Examiners
1985	Diplomate, American Board of Physical Medicine and Rehabilitation
1997	Certified Independent Medical Examiner American Board of Independent Medical Examiners

## **LICENSE**

1982	New York State License #151201
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## **MEDICAL SOCIETIES**

Fellow of the American Academy of Physical Medicine and Rehabilitation

New York Academy of Physical Medicine and Rehabilitation

Associate Member of the American Association of Neuromuscular & Electrodagnostic Medicine

American Medical Association

American College of Occupational and Environmental Medicine

## **AWARDS AND HONORS**

AHighest Overall Performance@ award for the three years of Residency at training, New York University

JOSEPH CARFI, M.D.

## OTHER ACTIVITIES

March 6, 2008	Invited Speaker to the New York City Bar Association. ABeyond Liability. Essentials for Prevailing at the Damages Trial In Tort Litigation@
March 9, 2005	Invited Speaker to the Suffolk County Bar Association. ASpecial Damages in Litigation@
1990 - Present	Supervisor of Traumatic Brain Injury Clinic at the Mount Sinai Medical Center
1990 - Present	Oral Examiner for American Board of PM&R, Specialty Certification
2001 - Present	Oral Examination Vignette writer for the American Board of PM&R
1987 - 1996	Journal Reviewer, Archives of Physical Medicine and Rehabilitation

**\*\*\*List of Presentations and Publications Available Upon Request\*\*\***



**EXHIBIT B**

PHYSIATRY ASSOCIATES P.C.  
2001 Marcus Ave., Suite N-219  
Lake Success, NY 11042  
(516) 327-8810  
FAX (516) 358-9802

Joseph Carfi, M.D.  
Physical Medicine & Rehabilitation  
Electrodiagnosis

May 14, 2008

Jim Duffy  
Fitzgerald & Fitzgerald  
538 Riverdale Ave.  
Yonkers, NY 10705

Re: Luz Vega

Dear Mr. Duffy:

The appended life care plan was prepared based upon records reviewed inclusive of a narrative from Bruce Roseman, MD, P.C., an interview with the mother of Luz Vega as well as a report from Michael Soudry, MBA of Eco-Stat, LLC. Based upon the above data, my knowledge, training and expertise the appended life care plan has been developed. Should further medical records become available and/or I have the opportunity of personally examining the child I reserve the right to amend my opinions.

My fees for trial testimony are \$8,000.00 for a full day; \$4,250.00 for a half a day, half day minimum. Deposition testimony is billed at \$500.00/hr. Straight time is \$390.00 per hour for items such as record review, report preparation, etc. The life care plan fee is a flat \$2,650.00. Examination of an individual is \$630.00. Enclosed you will also find a list of my testimonies over the last few years as well as a curriculum vitae.

Very truly yours,



Joseph Carfi, M.D.  
Assistant Clinical Professor  
Department of Rehabilitation Medicine  
Mount Sinai Medical Center

JC/dm

Joseph Carr, MD

## LIFE CARE PLAN

6/14/2008

LUZ VEGA

MEDICAL CARE	PURPOSE	FREQUENCY	COST/MISIT	RESOURCE	ANNUALIZED COST
Rehabilitation Specialist	Monitor Functional Status, Equipment, etc.	4X/yr	\$165.00	1	\$620.00
Orthopedist	Monitor for Contractures and Scoliosis	2X/yr	\$165.00	1	\$310.00
Neurologist	Monitor Seizures and Medication	2X/yr	\$165.00	1	\$310.00

Joseph Carr, MD

LIFE CARE PLAN

5/14/2008

LUZ VEGA

MEDICATION	PURPOSE	FREQUENCY	BASE COST	RESOURCE	ANNUALIZED COST
Depakote 125mg	Prevent Seizures	3X/day	\$193.89/240 caps	2	\$896.08
Kappra 600mg	Prevent Seizures	2X/day	\$989.94/120 tabs	2	\$2,372.13

Joseph Carr, MD

## LIFE CARE PLAN

6/14/2008

LUZ VEGA

LAB WORK	PURPOSE	FREQUENCY	COST/VISIT	RESOURCE	ANNUALIZED COST
Cham Screen Panel	Monitor Side Effects of Meds	2X/yr	\$88.00	3	\$170.00
Depakote Level	Blood Level of Medication	2X/yr	\$94.66	3	\$189.10
Keppra Level	Blood Level of Medication	2X/yr	\$106.25	3	\$210.60
Electroencephalogram	Test for Seizure Activity	1X/yr	\$300.00	4	\$300.00

Joseph Carr, MD

LIFE CARE PLAN

5/14/2008

LUZ VEGA

MEDICAL SUPPLY & EQUIPMENT	PURPOSE	REPLACEMENT FREQUENCY	BASE COST	RESOURCE	ANNUALIZED COST
*Routine Supplies: Gloves, Chux, Powder, Wipes, Lotions, etc.	Daily Skin & Incontinence Care	-----	\$55.50/mo	5	\$666.00
*Therapy Roll	Physical Therapy	q 2 yrs	\$341.95	6	\$170.98
*Therapy Ball	Physical Therapy	q 2 yrs	\$33.95	6	\$16.98
*Therapy Mat 6' x 4'	Physical Therapy	q 2 yrs	\$209.95	6	\$184.98
Adapted Stroller	Transportation	q 4 yrs to 16 y.o.	\$609.95	7	\$162.49
*Prone Stander	Encourage Weight Bearing Stimulate Bone Density Circulation	q 3 yrs 9 y.o. thru 15 y.o.	\$2,126.00	7	\$708.33
*Prone Stander	Encourage Weight Bearing Stimulate Bone Density Circulation	q 5 yrs from 16 y.o.	\$2,250.00	7	\$450.00
*Mobile Floor Sitter (Inc. Feeder Seat)	Supported Floor Seating	q 3 yrs 9 y.o. thru 15 y.o.	\$634.45	7	\$211.48
*Mobile Floor Sitter (Inc. Feeder Seat)	Supported Floor Seating	q 6yrs from 16 y.o.	\$757.95	7	\$161.59

\*Home care option only

Joseph Carl, MD

## LIFE CARE PLAN

6/14/2008

LUZ VEGA

<b>MEDICAL SUPPLY &amp; EQUIPMENT</b>	<b>PURPOSE</b>	<b>REPLACEMENT FREQUENCY</b>	<b>BASE COST</b>	<b>RESOURCE</b>	<b>ANNUALIZED COST</b>
Lightweight Manual Wheelchair	Mobility, Aid in Care	q 2 yrs to Adult Stature at Age 16	\$2,727.00	8	\$1,363.50
Lightweight Manual Wheelchair	Mobility, Aid in Care	q 5 yrs at Adult Size	\$1,440.00	8	\$288.00
Wheelchair Cushion (Jay Combli)	Seating/Positioning	q 5 yrs	\$90.42	9	\$18.08
Cushion Cover	Prevent Soiling	q 2 yrs	\$66.70	9	\$28.35
R & L Ankle/Foot Orthoses	Stabilize Ankle/Foot Prevent Contractures	q 12 - 18 months#	\$2,012.00 (\$1,006 each)	10	\$1,341.33 - \$2,012.00
#Assuming the child reaches adult stature at 16 y.o., orthotic replacement frequency declines to:					
R & L Ankle/Foot Orthoses	Stabilize Ankle/Foot Prevent Contractures	q 5 yrs	\$2,012.00 (\$1,006 each)	10	\$402.40
*R & L Ankle/Foot Orthoses (For Bed Use)	Prevent Progressive Contractures	q 2 years	\$167.88 (\$83.94 ea)	6	\$83.94

\*Home care option only

Joseph Carr, MD

## LIFE CARE PLAN

6/14/2008

LUZ VEGA

HOME EQUIPMENT ADAPTATIONS TRANSPORTATION	PURPOSE	REPLACEMENT/ FREQUENCY	BASE COST	RESOURCE	ANNUALIZED COST
*Incontinence Mattress Cover	Prevent Mattress Soiling	2 ea q 3 yrs	\$43.90 (\$21.95 ea)	11	\$14.63
*Adaptive Bath Chair	Body Support During Daily Hygiene	q 5yrs	\$625.95	7	\$125.19
*Hand Held Shower	Daily Hygiene	q 3 yrs	\$66.00	11	\$22.00
*Diapers	Prevent Soiling Of Clothes	10X/day	\$74.95/176 To Adult Stature @16 y.o.	11	\$1,554.36
*Diapers	Prevent Soiling Of Clothes	10X/day	\$50.95/96 Adult Diapers	11	\$2,279.35
*Home Care Option only					



Joseph Carl, MD

## LIFE CARE PLAN

5/14/2008

LUZ VEGA

HOME EQUIPMENT ADAPTATIONS  
TRANSPORTATION

## PURPOSE

REPLACEMENT/  
FREQUENCY

## BASE COST

## RESOURCE

## ANNUALIZED COST

The Following Will be Needed at Adult Stature, 16 y.o.

*Electric Hospital Bed	Aid in Positioning and Care	q 10 years	\$970.00	11	\$97.00
*Overbed Table	Feeding/Care Surface	q 5 yrs	\$74.95	11	\$14.99
*Lift Device	Aid in Transfers	q 5 years	\$1,679.00	12	\$335.80
*Replacement Slings (2)		q 2 yrs	\$228.00 (\$113.00 ea)	12	\$113.00
*Home care option only					

Joseph Carl, MD

## LIFE CARE PLAN

5/14/2008

LUZ VEGA

THERAPIES	AGE/YEAR		FREQUENCY	RESOURCE	ANNUALIZED COST
	INITIATED	CEASED			
Physical Therapy	9 y.o./ 2008	21 y.o./2020	6X per week	13	School Providing 3X/wk 2X/week @ \$125.00 ea = \$13,000.00
Occupational Therapy	9 y.o./ 2008	21 y.o./2020	6X per week	14	School Providing 3X/wk 2X/week @ \$157.50 ea = \$16,380.00
Speech/Language Therapy	9 y.o./ 2008	21 y.o./2020	6X per week	15	School Providing 3X/wk 2X/week @ \$150.00 ea = \$16,600.00

Joseph Carl, MD

## LIFE CARE PLAN

6/14/2008

LUZ VEGA

HOME/FACILITY CARE	AGE/YEAR INITIATED	AGE/YEAR CEASED	HOURS/SHIFTS	RESOURCE	ANNUALIZED COST
Option I Home Care					
Home Health Aide	9 y.o./2008	16 y.o./2016	8 Hrs/Day	16	\$44,763.60 (Based on \$16.33/hr)
Home Health Aide	16 y.o./2016	21 y.o./2020	16 Hrs/Day	17	\$74,825.00 (Based on \$286/day)
Home Health Aide	21 y.o./2020	Life	24 Hrs/Day	17	\$74,825.00 (Based on \$206/day)
Home Care Manager (R.N.)	21 y.o./2020	Life	1 Hrtweek Coordinate Care	18	\$1,915.68 (Based on \$36.94/hr)
Option II Facility Care					
Residential Rehabilitation and Educational Program	9 y.o./2008	21 y.o./2020	Specialized Care	19	\$146,182.50 (Based on \$400.80/day)
*Specialized Residential Facility	21 y.o./2020	Life	24 Hr Coordinated Care	20	\$106,945 (Based on \$283/day)

\*Patient will require above "Option I Home Care" services to age 21 should patient remain home until 21 y.o.

Joseph Carl, MD

## LIFE CARE PLAN

5/14/2008

LUZ VEGA

## RESOURCES

1. Personal professional knowledge
2. Drugstore.com
3. Quest Diagnostic Fee Schedule
4. New York Neurological Assoc., New Hyde Park, NY
5. Callgor.com
6. Sammons Preston Professional Rehab Catalog, 2007
7. Adaptivemall.com
8. Quickie-wheelchairs.com
9. Sportaid.com
10. TMR Orthotics, Queens, NY
11. Allegromedical.com
12. Usamedicsupply.com
13. Elythedale Children's Hospital, Valhalla, NY  
Albert Einstein Hospital, Bronx, NY  
Existence Rehab & Physical, Bronx, NY
14. Elythedale Children's Hospital, Valhalla, NY  
Albert Einstein Hospital, Bronx, NY
15. Elythedale Children's Hospital, Valhalla, NY  
Center for Small Jewels, Inc., New Rochelle, NY
16. Premier Home Health Care, Inc., Bronx, NY  
Amazing Home Care, Bronx, NY  
Best Choice Home Health Care, Bronx, NY
17. Premier Home Health Care, Inc., Bronx, NY  
Amazing Home Care, Bronx, NY
18. Data.bls.gov
19. St. Margaret's Center, Albany, NY  
United Cerebral Palsy of New York, NY, NY  
Crofted Mountain, Greenfield, NH
20. Independent Group Home Living, East Moriches, NY  
Tridewinda, Utica, NY  
Springbrook School Adult Homes, Oneonta, NY

Joseph Carl, MD

## LIFE CARE PLAN SUMMARY

6/14/2008

## LUZ VEGA

## HOME CARE OPTION

	ANNUALIZED COST TO 16 y.o.	ANNUALIZED COST 16 y.o. to 21 y.o.	ANNUALIZED COST AT 21 y.o.
MEDICAL CARE AND TREATMENT	\$5,366.81	\$5,366.81	\$5,366.81
EQUIPMENT & SUPPLIES MEDICAL AND HOME (Range Averaged)	\$6,917.96	\$5,383.26	\$5,363.28
THERAPIES	\$44,980.00	\$44,980.00	\$0.00
HOME CARE SERVICES	\$69,794.30 (Avg. annual cost from 5 y.o. to 16 y.o.)	\$74,626.00	\$76,740.68
FACILITY CARE	N/A	N/A	N/A

Costs indicated are for the current year

Joseph Carl, MD

## LIFE CARE PLAN SUMMARY

6/14/2008

LUZ VEGA

## FACILITY CARE OPTION

	ANNUALIZED COST TO 18 y.o.	ANNUALIZED COST 18 y.o. to 21 y.o.	ANNUALIZED COST AT 21 y.o.
MEDICAL CARE AND TREATMENT	\$5,366.81	\$5,366.81	\$5,366.81
EQUIPMENT & SUPPLIES MEDICAL AND HOME (Range Averaged)	\$3,239.08	\$736.83	\$736.83
THERAPIES	\$44,980.00	\$44,980.00	\$0.00
HOME CARE SERVICES	N/A	N/A	\$0.00
FACILITY CARE	\$146,182.50	\$146,182.50	\$106,946.00

Costs indicated are for the current year

**DECLARATION OF SERVICE**

The undersigned, an attorney admitted to practice law before the Courts of the State of New York and this Court declares under penalty of perjury that on May 30, 2008 he served a copy of:

**RULE 26(A)(2) DISCLOSURE FOR JOSEPH CARFI, M.D.**

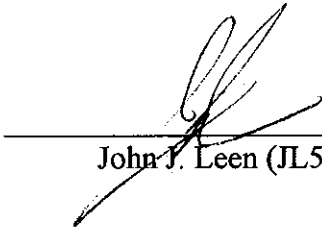
By First Class Mail, upon Attorneys listed below:

Shaub Ahmuty Citron & Spratt, LLP  
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New York, New York 10017

Jones Hirsch Connors & Bull, P.C.  
One Battery Park Plaza  
New York, New York 10004

United States Attorneys Office  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

Dated: Yonkers, New York  
May 30, 2008



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John J. Leen (JL5550)